

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MADGE <i>et al.</i> Appl. No.: 10/658,971 Filed: September 9, 2003 For: Boronic Acid Salts Useful in Parenteral Formulations	Confirmation No.: 3998 Art Unit: 1614 Examiner: KWON, Brian Yong S. Atty. Docket: 2451.0090008/BJD
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**Eighth Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(d)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Form, PTO/SB/09B, is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Eighth Supplemental Information Disclosure Statement is a continuation of the Applicants' Seventh Information Disclosure Statement filed on December 2, 2005 in connection with the above-captioned application.

A copy of document **NPL1** is submitted.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith as document **NPL1** an Office Action from copending U.S. Patent Application No. 10/659,178, which is directed to related technical subject matter.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$180.00 IDS payment amount in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

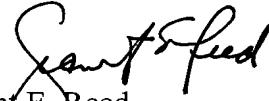
I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Form, and indicate in the official file wrapper of this patent application that the document has been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


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Substitute for form 1449/PTO				<i>Complete if Known</i>	
EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/658,971
				Filing Date	September 9, 2003
				First Named Inventor	MADGE, David Jonathan
				Art Unit	1614
				Examiner Name	KWON, Brian Yong S.
Sheet	1	of	1	Attorney Docket Number	
2451.0090008/BJD					

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Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language is attached to the public notice which is to file.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS OFFICE. ADDRESS: SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**